

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

THOMAS WAYLON BOYD

PETITIONER

v.

Case No. 4:19-cv-4116

DEXTER PAYNE, Director  
Arkansas Department of Correction

RESPONDENT

**ORDER**

Before the Court is the Report and Recommendation filed March 30, 2020, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 16). Judge Bryant recommends that Petitioner Thomas Waylon Boyd's petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 (ECF No. 1) be denied because Boyd is no longer in custody for the conviction he is attacking and because his petition is untimely. Judge Bryant also recommends denying Boyd a certificate of appealability.

Boyd has not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court finds no clear error warranting a departure from the Report and Recommendation. Therefore, the Court adopts the Report and Recommendation (ECF No. 16) *in toto*. Accordingly, Boyd's petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 (ECF No. 1) is hereby **DENIED**. Further, the Court declines to issue a certificate of appealability in this matter.

**IT IS SO ORDERED**, this 17th day of April, 2020.

/s/ Susan O. Hickey  
Susan O. Hickey  
Chief United States District Judge